

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:11-CR-1188
	§	
ROBERT RODRIGUEZ	§	

ORDER

Pending before the Court is Defendant Robert Rodriguez' letter request for a copy of the PSR and Statement of Reasons from his criminal case. Both documents are sealed. Rodriguez requests that they be unsealed and sent to him. D.E. 30.

An indigent defendant has a statutory right to free court documents in particular circumstances. See 28 U.S.C. § 753(f); United States v. MacCollum, 426 U.S. 317 (1976). The defendant must establish, that the documents are needed to decide an issue in a pending suit and that the suit is not frivolous. 28 U.S.C. § 753(f).


Rodriguez was convicted in 2012 of Felon in Possession of a and sentenced to 21 months in the Bureau of Prisons, to be followed by 3 years supervised release, and required to pay a \$100 special assessment. D.E. 22. Judgment was entered on the docket on May 25, 2012. Id. Rodriguez did not appeal. During his criminal proceedings, Rodriguez qualified for appointed counsel. D.E. 4. Rodriguez does not state why he needs the documents he requested. He has nothing pending before the Court other than the present motion requesting documents.

Because Rodriguez does not have a pending case before this Court, he fails to meet the requirements for court documents at government expense. See 28 U.S.C. § 753(f); see also United States v. Herrera, 474 F.2d 1049, 1049-50 (5th Cir. 1973) ("This Court has consistently

held that a federal prisoner is not entitled to obtain copies of court records at the government's expense to search for possible defects merely because he is indigent."").

Rodriguez may review his PSR with his case manager at the Bureau of Prisons. He states no basis for the unsealing of this Court's Statement of Reasons. The motion (D.E. 30) is DENIED.

SIGNED and ORDERED this 2nd day of January, 2013.



Janis Graham Jack
Senior United States District Judge